



U.S. Department of Justice

*United States Attorney
Southern District of New York*

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October 7, 2019

BY ECF

The Honorable James L. Cott
United States Magistrate Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: *The New York Times Company, et al. v. Department of Education*
No. 19-cv-693 (LTS) (JLC)

Dear Judge Cott:

This Office represents the United States Department of Education (“DOE” or “Defendant”) in connection with the above-referenced action brought pursuant to the Freedom of Information Act. I write on behalf of both parties to provide the Court with a status update regarding document production as required by the Court’s order (the “Scheduling Order”) dated April 25, 2019. *See* Dkt. No. 15.

As of Defendant’s most recent production on September 19, 2019, Defendant has produced 2,872 pages of documents. These productions have been made in accordance with the procedure outlined in the Scheduling Order.

As to the next production, the parties have agreed that Plaintiffs will identify by October 11, 2019, which attachments, if any, they want from Defendant’s September 19, 2019, production. Pursuant to the Scheduling Order, thirty days after such identification, Defendant will produce 1,000 pages of documents, comprised of the requested attachments as well as additional emails to the extent these documents are not subject to withholding. The parties will follow this same procedure for subsequent productions.

The parties thank the Court for its attention to this matter.

Page 2 of 2

Respectfully,

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